

Title 31 United States Code - Money and Finance

Subtitle IV - Money

Chapter 53 - Monetary Transaction

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SUBCHAPTER I - CREDIT AND MONETARY EXPANSION

Sec. 5301. Buying obligations of the United States Government

- (a) The President may direct the Secretary of the Treasury to make an agreement with the Federal reserve banks and the Board of Governors of the Federal Reserve System when the President decides that the foreign commerce of the United States is affected adversely because -
 - (1) the value of coins and currency of a foreign country compared to the present standard value of gold is depreciating;
 - (2) action is necessary to regulate and maintain the parity of United States coins and currency;
 - (3) an economic emergency requires an expansion of credit; or
 - (4) an expansion of credit is necessary so that the United States Government and the governments of other countries can stabilize the value of coins and currencies of a country.
- (b) Under an agreement under subsection (a) of this section, the Board shall permit the banks (and the Board is authorized to permit the banks notwithstanding another law) to agree that the banks will -
 - (1) conduct through each entire specified period open market operations in obligations of the United States Government or corporations in which the Government is the majority stockholder; and
 - (2) buy directly and hold an additional \$3,000,000,000 of obligations of the Government for each agreed period, unless the Secretary consents to the sale of the obligations before the end of the period.
- (c) With the approval of the Secretary, the Board may require Federal reserve banks to take action the Secretary and Board consider necessary to prevent unreasonable credit expansion.

Sec. 5302. Stabilizing exchange rates and arrangements

- (a)
 - (1) The Department of the Treasury has a stabilization fund. The fund is available to carry out this section, section 18 of the Bretton Woods Agreement Act (22 U.S.C. 286e-3), and section 3 of the Special Drawing Rights Act (22 U.S.C. 286o), and for investing in obligations of the United States Government those amounts in the fund the Secretary of the Treasury, with the approval of the President, decides are not required at the time to carry out this section. Proceeds of sales and investments, earnings, and interest shall be paid into the fund and are available to carry out this section. However, the fund is not available to pay administrative expenses.
 - (2) Subject to approval by the President, the fund is under the exclusive control of the Secretary, and may not be used in a way that direct control and custody pass from the President and the Secretary. Decisions of the

Secretary are final and may not be reviewed by another officer or employee of the Government.

- (b) Consistent with the obligations of the Government in the International Monetary Fund on orderly exchange arrangements and a stable system of exchange rates, the Secretary or an agency designated by the Secretary, with the approval of the President, may deal in gold, foreign exchange, and other instruments of credit and securities the Secretary considers necessary. However, a loan or credit to a foreign entity or government of a foreign country may be made for more than 6 months in any 12-month period only if the President gives Congress a written statement that unique or emergency circumstances require the loan or credit be for more than 6 months.
- (c)
 - (1) By the 30th day after the end of each month, the Secretary shall give the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a detailed financial statement on the stabilization fund showing all agreements made or renewed, all transactions occurring during the month, and all projected liabilities.
 - (2) The Secretary shall report each year to the President and Congress on the operation of the fund.
- (d) A repayment of any part of the first subscription payment of the Government to the International Monetary Fund, previously paid from the stabilization fund, shall be deposited in the Treasury as a miscellaneous receipt.

Sec. 5303. Reserved coins and currencies of foreign countries

An agency may use coins and currencies of a foreign country the United States Government holds that are or may be reserved for a specific program or activity of an agency. The agency shall reimburse the Treasury from appropriations and shall replace the coins and currencies when they are needed for the program or activity for which they were reserved originally

Sec. 5304. Regulations

With the approval of the President, the Secretary of the Treasury may prescribe regulations -

- (1) to carry out section 5301 of this title; and
- (2) the Secretary considers necessary to carry out section 5302 of this title.

SUBCHAPTER II - RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

Sec. 5311. Declaration of purpose

It is the purpose of this subchapter (except section 5315) to require certain reports or

records where they have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

Sec. 5312. Definitions and application

- (a) In this subchapter -
 - (1) "financial agency" means a person acting for a person (except for a country, a monetary or financial authority acting as a monetary or financial authority, or an international financial institution of which the United States Government is a member) as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.
 - (2) "financial institution" means -
 - (A) an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));
 - (B) a commercial bank or trust company;
 - (C) a private banker;
 - (D) an agency or branch of a foreign bank in the United States;
 - (E) an insured institution (as defined in section 401(a)^[1] of the National Housing Act (12 U.S.C. 1724(a)));
 - (F) a thrift institution;
 - (G) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
 - (H) a broker or dealer in securities or commodities;
 - (I) an investment banker or investment company;
 - (J) a currency exchange;
 - (K) an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments;
 - (L) an operator of a credit card system;
 - (M) an insurance company;
 - (N) a dealer in precious metals, stones, or jewels;
 - (O) a pawnbroker;
 - (P) a loan or finance company;
 - (Q) a travel agency;
 - (R) a licensed sender of money;
 - (S) a telegraph company;
 - (T) a business engaged in vehicle sales, including automobile, airplane, and boat sales;
 - (U) persons involved in real estate closings and settlements;
 - (V) the United States Postal Service;

- (W) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph;
- (X) a casino, gambling casino, or gaming establishment with an annual gaming revenue of more than \$1,000,000 which -
 - (i) is licensed as a casino, gambling casino, or gaming establishment under the laws of any State or any political subdivision of any State; or
 - (ii) is an Indian gaming operation conducted under or pursuant to the Indian Gaming Regulatory Act other than an operation which is limited to class I gaming (as defined in section 4(6) of such Act);
- (Y) any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage; or
- (Z) any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.
- (3) "monetary instruments" means -
 - (A) United States coins and currency;
 - (B) as the Secretary may prescribe by regulation, coins and currency of a foreign country, travelers' checks, bearer negotiable instruments, bearer investment securities, bearer securities, stock on which title is passed on delivery, and similar material; and
 - (C) as the Secretary of the Treasury shall provide by regulation for purposes of section 5316, checks, drafts, notes, money orders, and other similar instruments which are drawn on or by a foreign financial institution and are not in bearer form.
- (4) "person", in addition to its meaning under section 1 of title 1, includes a trustee, a representative of an estate and, when the Secretary prescribes, a governmental entity.
- (5) "United States" means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, a territory or possession of the United States, or a military or diplomatic establishment.
- (b) In this subchapter -
 - (1) "domestic financial agency" and "domestic financial institution" apply to an action in the United States of a financial agency or institution.

- (2) "foreign financial agency" and "foreign financial institution" apply to an action outside the United States of a financial agency or institution.
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Footnotes

[1] See References in Text note below.

Sec. 5313. Reports on domestic coins and currency transactions

- (a) When a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or under circumstances the Secretary prescribes by regulation, the institution and any other participant in the transaction the Secretary may prescribe shall file a report on the transaction at the time and in the way the Secretary prescribes. A participant acting for another person shall make the report as the agent or bailee of the person and identify the person for whom the transaction is being made.
- (b) The Secretary may designate a domestic financial institution as an agent of the United States Government to receive a report under this section. However, the Secretary may designate a domestic financial institution that is not insured, chartered, examined, or registered as a domestic financial institution only if the institution consents. The Secretary may suspend or revoke a designation for a violation of this subchapter or a regulation under this subchapter (except a violation of section 5315 of this title or a regulation prescribed under section 5315), section 411 ^[1] of the National Housing Act (12 U.S.C. 1730d), or section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b).
- (c)
 - (1) A person (except a domestic financial institution designated under subsection (b) of this section) required to file a report under this section shall file the report -
 - (A) with the institution involved in the transaction if the institution was designated;
 - (B) in the way the Secretary prescribes when the institution was not designated; or
 - (C) with the Secretary.
 - (2) The Secretary shall prescribe -
 - (A) the filing procedure for a domestic financial institution designated under subsection (b) of this section; and
 - (B) the way the institution shall submit reports filed with it.
- (d) Mandatory Exemptions From Reporting Requirements. -
 - (1) In general. - The Secretary of the Treasury shall exempt, pursuant to section 5318(a)(6), a depository institution from the reporting requirements of subsection (a) with respect to transactions between the depository institution and the following categories of entities:

- (A) Another depository institution.
- (B) A department or agency of the United States, any State, or any political subdivision of any State.
- (C) Any entity established under the laws of the United States, any State, or any political subdivision of any State, or under an interstate compact between 2 or more States, which exercises governmental authority on behalf of the United States or any such State or political subdivision.
- (D) Any business or category of business the reports on which have little or no value for law enforcement purposes.
- (2) Notice of exemption. - The Secretary of the Treasury shall publish in the Federal Register at such times as the Secretary determines to be appropriate (but not less frequently than once each year) a list of all the entities whose transactions with a depository institution are exempt under this subsection from the reporting requirements of subsection (a).
- (e) Discretionary Exemptions From Reporting Requirements. -
 - (1) In general. - The Secretary of the Treasury may exempt, pursuant to section 5318(a)(6), a depository institution from the reporting requirements of subsection (a) with respect to transactions between the depository institution and a qualified business customer of the institution on the basis of information submitted to the Secretary by the institution in accordance with procedures which the Secretary shall establish.
 - (2) Qualified business customer defined. - For purposes of this subsection, the term "qualified business customer" means a business which -
 - (A) maintains a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act) at the depository institution;
 - (B) frequently engages in transactions with the depository institution which are subject to the reporting requirements of subsection (a); and
 - (C) meets criteria which the Secretary determines are sufficient to ensure that the purposes of this subchapter are carried out without requiring a report with respect to such transactions.
 - (3) Criteria for exemption. - The Secretary of the Treasury shall establish, by regulation, the criteria for granting and maintaining an exemption under paragraph (1).
 - (4) Guidelines. -
 - (A) In general. - The Secretary of the Treasury shall establish guidelines for depository institutions to follow in selecting customers for an exemption under this subsection.
 - (B) Contents. - The guidelines may include a description of the types of businesses or an itemization of specific

businesses for which no exemption will be granted under this subsection to any depository institution.

- (5) Annual review. - The Secretary of the Treasury shall prescribe regulations requiring each depository institution to -
 - (A) review, at least once each year, the qualified business customers of such institution with respect to whom an exemption has been granted under this subsection; and
 - (B) upon the completion of such review, resubmit information about such customers, with such modifications as the institution determines to be appropriate, to the Secretary for the Secretary's approval.
- (6) 2-year phase-in provision. - During the 2-year period beginning on the date of enactment of the Money Laundering Suppression Act of 1994, this subsection shall be applied by the Secretary on the basis of such criteria as the Secretary determines to be appropriate to achieve an orderly implementation of the requirements of this subsection.
- (f) Provisions Applicable to Mandatory and Discretionary Exemptions. -
 - (1) Limitation on liability of depository institutions. - No depository institution shall be subject to any penalty which may be imposed under this subchapter for the failure of the institution to file a report with respect to a transaction with a customer for whom an exemption has been granted under subsection (d) or (e) unless the institution -
 - (A) knowingly files false or incomplete information to the Secretary with respect to the transaction or the customer engaging in the transaction; or
 - (B) has reason to believe at the time the exemption is granted or the transaction is entered into that the customer or the transaction does not meet the criteria established for granting such exemption.
 - (2) Coordination with other provisions. - Any exemption granted by the Secretary of the Treasury under section 5318(a) in accordance with this section, and any transaction which is subject to such exemption, shall be subject to any other provision of law applicable to such exemption, including -
 - (A) the authority of the Secretary, under section 5318(a)(6), to revoke such exemption at any time; and
 - (B) any requirement to report, or any authority to require a report on, any possible violation of any law or regulation or any suspected criminal activity.
- (g) Depository Institution Defined. - For purposes of this section, the term "depository institution" -
 - (1) has the meaning given to such term in section 19(b)(1)(A) of the Federal Reserve Act; and
 - (2) includes -

- (A) any branch, agency, or commercial lending company (as such terms are defined in section 1(b) of the International Banking Act of 1978);
- (B) any corporation chartered under section 25A of the Federal Reserve Act; and
- (C) any corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under section 25 of the Federal Reserve Act.

Footnotes

[1] See References in Text note below.

Sec. 5314. Records and reports on foreign financial agency transactions

- (a) Considering the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a foreign financial agency, the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. The records and reports shall contain the following information in the way and to the extent the Secretary prescribes:
 - (1) the identity and address of participants in a transaction or relationship.
 - (2) the legal capacity in which a participant is acting.
 - (3) the identity of real parties in interest.
 - (4) a description of the transaction.
- (b) The Secretary may prescribe -
 - (1) a reasonable classification of persons subject to or exempt from a requirement under this section or a regulation under this section;
 - (2) a foreign country to which a requirement or a regulation under this section applies if the Secretary decides applying the requirement or regulation to all foreign countries is unnecessary or undesirable;
 - (3) the magnitude of transactions subject to a requirement or a regulation under this section;
 - (4) the kind of transaction subject to or exempt from a requirement or a regulation under this section; and
 - (5) other matters the Secretary considers necessary to carry out this section or a regulation under this section.
- (c) A person shall be required to disclose a record required to be kept under this section or under a regulation under this section only as required by law.

Sec. 5315. Reports on foreign currency transactions

- (a) Congress finds that -
 - (1) moving mobile capital can have a significant impact on the proper functioning of the international monetary system;
 - (2) it is important to have the most feasible current and complete information on the kind and source of capital flows, including transactions by large United States businesses and their foreign affiliates; and
 - (3) additional authority should be provided to collect information on capital flows under section 5(b) of the Trading With the Enemy Act (50 App. U.S.C. 5(b)) and section 8 of the Bretton Woods Agreement Act (22 U.S.C. 286f).
- (b) In this section, "United States person" and "foreign person controlled by a United States person" have the same meanings given those terms in section 7(f)(2)(A) and (C), respectively, of the Securities and Exchange Act of 1934 (15 U.S.C. 78g(f)(2)(A), (C)).
- (c) The Secretary of the Treasury shall prescribe regulations consistent with subsection (a) of this section requiring reports on foreign currency transactions conducted by a United States person or a foreign person controlled by a United States person. The regulations shall require that a report contain information and be submitted at the time and in the way, with reasonable exceptions and classifications, necessary to carry out this section.

Sec. 5316. Reports on exporting and importing monetary instruments

- (a) Except as provided in subsection (c) of this section, a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly -
 - (1) transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one time -
 - (A) from a place in the United States to or through a place outside the United States; or
 - (B) to a place in the United States from or through a place outside the United States; or
 - (2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States.
- (b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:
 - (1) the legal capacity in which the person filing the report is acting.
 - (2) the origin, destination, and route of the monetary instruments.
 - (3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the

instruments to the person transporting them, the identity of the person who is to receive them, or both.

- (4) the amount and kind of monetary instruments transported.
- (5) additional information.
- (c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.
- (d) Cumulation of Closely Related Events. - The Secretary of the Treasury may prescribe regulations under this section defining the term "at one time" for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).

Sec. 5317. Search and forfeiture of monetary instruments

- (a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.
- (b) Searches at Border. - For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.
- (c) If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government. Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(b), or any property traceable to such property, may be seized and forfeited to the United States Government. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States.

Sec. 5318. Compliance, exemptions, and summons authority

- (a) General Powers of Secretary. - The Secretary of the Treasury may (except under section 5315 of this title and regulations prescribed under section 5315) -

- (1) except as provided in subsection (b)(2), delegate duties and powers under this subchapter to an appropriate supervising agency and the United States Postal Service;
- (2) require a class of domestic financial institutions to maintain appropriate procedures to ensure compliance with this subchapter and regulations prescribed under this subchapter or to guard against money laundering;
- (3) examine any books, papers, records, or other data of domestic financial institutions relevant to the recordkeeping or reporting requirements of this subchapter;
- (4) summon a financial institution, an officer or employee of a financial institution (including a former officer or employee), or any person having possession, custody, or care of the reports and records required under this subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation described in subsection (b);
- (5) exempt from the requirements of this subchapter any class of transactions within any State if the Secretary determines that
 -
 - (A) under the laws of such State, that class of transactions is subject to requirements substantially similar to those imposed under this subchapter; and
 - (B) there is adequate provision for the enforcement of such requirements; and
 - (6) prescribe an appropriate exemption from a requirement under this subchapter and regulations prescribed under this subchapter. The Secretary may revoke an exemption under this paragraph or paragraph (5) by actually or constructively notifying the parties affected. A revocation is effective during judicial review.
- (b) Limitations on Summons Power. -
 - (1) Scope of power. - The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) only in connection with investigations for the purpose of civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 ^[1] of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.) or any regulation under any such provision.
 - (2) Authority to issue. - A summons may be issued under subsection (a)(4) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.
- (c) Administrative Aspects of Summons. -

- (1) Production at designated site. - A summons issued pursuant to this section may require that books, papers, records, or other data stored or maintained at any place be produced at any designated location in any State or in any territory or other place subject to the jurisdiction of the United States not more than 500 miles distant from any place where the financial institution operates or conducts business in the United States.
 - (2) Fees and travel expenses. - Persons summoned under this section shall be paid the same fees and mileage for travel in the United States that are paid witnesses in the courts of the United States.
 - (3) No liability for expenses. - The United States shall not be liable for any expense, other than an expense described in paragraph (2), incurred in connection with the production of books, papers, records, or other data under this section.
- (d) Service of Summons. - Service of a summons issued under this section may be by registered mail or in such other manner calculated to give actual notice as the Secretary may prescribe by regulation.
- (e) Contumacy or Refusal. -
 - (1) Referral to attorney general. - In case of contumacy by a person issued a summons under paragraph (3) or (4) of subsection (a) or a refusal by such person to obey such summons, the Secretary of the Treasury shall refer the matter to the Attorney General.
 - (2) Jurisdiction of court. - The Attorney General may invoke the aid of any court of the United States within the jurisdiction of which -
 - (A) the investigation which gave rise to the summons is being or has been carried on;
 - (B) the person summoned is an inhabitant; or
 - (C) the person summoned carries on business or may be found, to compel compliance with the summons.
 - (3) Court order. - The court may issue an order requiring the person summoned to appear before the Secretary or his delegate to produce books, papers, records, and other data, to give testimony as may be necessary to explain how such material was compiled and maintained, and to pay the costs of the proceeding.
 - (4) Failure to comply with order. - Any failure to obey the order of the court may be punished by the court as a contempt thereof.
 - (5) Service of process. - All process in any case under this subsection may be served in any judicial district in which such person may be found.
- (f) Written and Signed Statement Required. - No person shall qualify for an exemption under subsection (a)(5) ^[2] unless the relevant financial institution prepares and maintains a statement which -

- (1) describes in detail the reasons why such person is qualified for such exemption; and
 - (2) contains the signature of such person.
- (g) Reporting of Suspicious Transactions. -
 - (1) In general. - The Secretary may require any financial institution, and any director, officer, employee, or agent of any financial institution, to report any suspicious transaction relevant to a possible violation of law or regulation.
 - (2) Notification prohibited. - A financial institution, and a director, officer, employee, or agent of any financial institution, who voluntarily reports a suspicious transaction, or that reports a suspicious transaction pursuant to this section or any other authority, may not notify any person involved in the transaction that the transaction has been reported.
 - (3) Liability for disclosures. - Any financial institution that makes a disclosure of any possible violation of law or regulation or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure.
 - (4) Single designee for reporting suspicious transactions. -
 - (A) In general. - In requiring reports under paragraph (1) of suspicious transactions, the Secretary of the Treasury shall designate, to the extent practicable and appropriate, a single officer or agency of the United States to whom such reports shall be made.
 - (B) Duty of designee. - The officer or agency of the United States designated by the Secretary of the Treasury pursuant to subparagraph (A) shall refer any report of a suspicious transaction to any appropriate law enforcement or supervisory agency.
 - (C) Coordination with other reporting requirements. - Subparagraph (A) shall not be construed as precluding any supervisory agency for any financial institution from requiring the financial institution to submit any information or report to the agency or another agency pursuant to any other applicable provision of law.
- (h) Anti-Money Laundering Programs. -
 - (1) In general. - In order to guard against money laundering through financial institutions, the Secretary may require financial institutions to carry out anti-money laundering programs, including at a minimum^[3]

- (A) the development of internal policies, procedures, and controls,
 - (B) the designation of a compliance officer,
 - (C) an ongoing employee training program, and
 - (D) an independent audit function to test programs.
 - (2) Regulations. - The Secretary may prescribe minimum standards for programs established under paragraph (1).
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Footnotes

[1] See References in Text note below.

[2] See References in Text note below.

[3] So in original. Probably should be followed by a dash.

Sec. 5319. Availability of reports

The Secretary of the Treasury shall make information in a report filed under section 5313, 5314, or 5316 of this title available to an agency, including any State financial institutions supervisory agency, on request of the head of the agency. The report shall be available for a purpose consistent with those sections or a regulation prescribed under those sections. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes. However, a report and records of reports are exempt from disclosure under section 552 of title 5.

Sec. 5320. Injunctions

When the Secretary of the Treasury believes a person has violated, is violating, or will violate this subchapter or a regulation prescribed or order issued under this subchapter, the Secretary may bring a civil action in the appropriate district court of the United States or appropriate United States court of a territory or possession of the United States to enjoin the violation or to enforce compliance with the subchapter, regulation, or order. An injunction or temporary restraining order shall be issued without bond.

Sec. 5321. Civil penalties

- (a)
 - (1) A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except sections 5314 and 5315 of this title or a regulation prescribed under sections 5314 and 5315) is liable to the United States Government for a civil penalty of not more than the greater of the amount (not to exceed \$100,000) involved in the transaction (if any) or \$25,000. For a violation of section 5318(a)(2) of this title or a regulation prescribed under section 5318(a)(2), a separate violation occurs for each day the violation

continues and at each office, branch, or place of business at which a violation occurs or continues.

- (2) The Secretary of the Treasury may impose an additional civil penalty on a person not filing a report, or filing a report containing a material omission or misstatement, under section 5316 of this title or a regulation prescribed under section 5316. A civil penalty under this paragraph may not be more than the amount of the monetary instrument for which the report was required. A civil penalty under this paragraph is reduced by an amount forfeited under section 5317(b) of this title.
- (3) A person not filing a report under a regulation prescribed under section 5315 of this title or not complying with an injunction under section 5320 of this title enjoining a violation of, or enforcing compliance with, section 5315 or a regulation prescribed under section 5315, is liable to the Government for a civil penalty of not more than \$10,000.
- (4) Structured Transaction Violation. -
 - (A) Penalty authorized. - The Secretary of the Treasury may impose a civil money penalty on any person who violates any provision of section 5324.
 - (B) Maximum amount limitation. - The amount of any civil money penalty imposed under subparagraph (A) shall not exceed the amount of the coins and currency (or such other monetary instruments as the Secretary may prescribe) involved in the transaction with respect to which such penalty is imposed.
 - (C) Coordination with forfeiture provision. - The amount of any civil money penalty imposed by the Secretary under subparagraph (A) shall be reduced by the amount of any forfeiture to the United States in connection with the transaction with respect to which such penalty is imposed.
- (5) Foreign Financial Agency Transaction Violation. -
 - (A) Penalty authorized. - The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates or any person willfully causing any violation of any provision of section 5314.
 - (B) Maximum amount limitation. - The amount of any civil money penalty imposed under subparagraph (A) shall not exceed -
 - (i) in the case of violation of such section involving a transaction, the greater of -
 - (I) the amount (not to exceed \$100,000) of the transaction;
or
 - (II) \$25,000; and
 - (ii) in the case of violation of such section involving a failure to report the existence of an account or any identifying information required to be provided with respect to such account, the greater of -
 - (I) an amount (not to exceed \$100,000) equal to the balance in the account at the time of the violation; or

- (II) \$25,000.
- (6) Negligence. -
 - (A) In general. - The Secretary of the Treasury may impose a civil money penalty of not more than \$500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.
 - (B) Pattern of negligent activity. - If any financial institution engages in a pattern of negligent violations of any provision of this subchapter or any regulation prescribed under this subchapter, the Secretary of the Treasury may, in addition to any penalty imposed under subparagraph (A) with respect to any such violation, impose a civil money penalty of not more than \$50,000 on the financial institution.
- (b) Time Limitations for Assessments and Commencement of Civil Actions. -
 - (1) Assessments. - The Secretary of the Treasury may assess a civil penalty under subsection (a) at any time before the end of the 6-year period beginning on the date of the transaction with respect to which the penalty is assessed.
 - (2) Civil actions. - The Secretary may commence a civil action to recover a civil penalty assessed under subsection (a) at any time before the end of the 2-year period beginning on the later of -
 - (A) the date the penalty was assessed; or
 - (B) the date any judgment becomes final in any criminal action under section 5322 in connection with the same transaction with respect to which the penalty is assessed.
- (c) The Secretary may remit any part of a forfeiture under subsection (c) or (d) ^[1] of section 5317 of this title or civil penalty under subsection (a)(2) of this section.
- (d) Criminal Penalty Not Exclusive of Civil Penalty. - A civil money penalty may be imposed under subsection (a) with respect to any violation of this subchapter notwithstanding the fact that a criminal penalty is imposed with respect to the same violation.
- (e) Delegation of Assessment Authority to Banking Agencies. -
 - (1) In general. - The Secretary of the Treasury shall delegate, in accordance with section 5318(a)(1) and subject to such terms and conditions as the Secretary may impose in accordance with paragraph (3), any authority of the Secretary to assess a civil money penalty under this section on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) to the appropriate Federal banking agencies (as defined in such section 3).
 - (2) Authority of agencies. - Subject to any term or condition imposed by the Secretary of the Treasury under paragraph (3), the provisions of this section shall apply to an appropriate Federal banking agency to which is delegated any authority of the

Secretary under this section in the same manner such provisions apply to the Secretary.

- (3) Terms and conditions. -
 - (A) In general. - The Secretary of the Treasury shall prescribe by regulation the terms and conditions which shall apply to any delegation under paragraph (1).
 - (B) Maximum dollar amount. - The terms and conditions authorized under subparagraph (A) may include, in the Secretary's sole discretion, a limitation on the amount of any civil penalty which may be assessed by an appropriate Federal banking agency pursuant to a delegation under paragraph (1).

Footnotes

[1] So in original. Section 5317 does not contain a subsec. (d).

Sec. 5322. Criminal penalties

- (a) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 or 5324 of this title or a regulation prescribed under section 5315 or 5324) shall be fined not more than \$250,000, or imprisoned for not more than five years, or both.
- (b) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 or 5324 of this title or a regulation prescribed under section 5315 or 5324), while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period, shall be fined not more than \$500,000, imprisoned for not more than 10 years, or both.
- (c) For a violation of section 5318(a)(2) of this title or a regulation prescribed under section 5318(a)(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

Sec. 5323. Rewards for informants

- (a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds \$50,000, for a violation of this chapter.
- (b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or \$150,000, whichever is less.
- (c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.
- (d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Sec. 5324. Structuring transactions to evade reporting requirement prohibited

- (a) Domestic Coin and Currency Transactions. - No person shall for the purpose of evading the reporting requirements of section 5313(a) or 5325 or any regulation prescribed under any such section -
 - (1) cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313(a) or 5325 or any regulation prescribed under any such section;
 - (2) cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) or 5325 or any regulation prescribed under any such section that contains a material omission or misstatement of fact; or
 - (3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions.
- (b) International Monetary Instrument Transactions. - No person shall, for the purpose of evading the reporting requirements of section 5316 -
 - (1) fail to file a report required by section 5316, or cause or attempt to cause a person to fail to file such a report;
 - (2) file or cause or attempt to cause a person to file a report required under section 5316 that contains a material omission or misstatement of fact; or
 - (3) structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of monetary instruments.
- (c) Criminal Penalty. -
 - (1) In general. - Whoever violates this section shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both.
 - (2) Enhanced penalty for aggravated cases. - Whoever violates this section while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period shall be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

Sec. 5325. Identification required to purchase certain monetary instruments

- (a) In General. - No financial institution may issue or sell a bank check, cashier's check, traveler's check, or money order to any individual in connection with a transaction or group of such contemporaneous transactions which involves United States coins or currency (or such other monetary instruments as the Secretary may prescribe) in amounts or denominations of \$3,000 or more unless -
 - (1) the individual has a transaction account with such financial institution and the financial institution -
 - (A) verifies that fact through a signature card or other information maintained by such institution in connection with

the account of such individual; and
(B) records the method of verification in accordance with regulations which the Secretary of the Treasury shall prescribe; or

- (2) the individual furnishes the financial institution with such forms of identification as the Secretary of the Treasury may require in regulations which the Secretary shall prescribe and the financial institution verifies and records such information in accordance with regulations which such Secretary shall prescribe.
- (b) Report to Secretary Upon Request. - Any information required to be recorded by any financial institution under paragraph (1) or
 - (2) of subsection (a) shall be reported by such institution to the Secretary of the Treasury at the request of such Secretary.
- (c) Transaction Account Defined. - For purposes of this section, the term "transaction account" has the meaning given to such term in section 19(b)(1)(C) of the Federal Reserve Act.

Sec. 5326. Records of certain domestic coin and currency transactions

- (a) In General. - If the Secretary of the Treasury finds, upon the Secretary's own initiative or at the request of an appropriate Federal or State law enforcement official, that reasonable grounds exist for concluding that additional recordkeeping and reporting requirements are necessary to carry out the purposes of this subtitle and prevent evasions thereof, the Secretary may issue an order requiring any domestic financial institution or group of domestic financial institutions in a geographic area -
 - (1) to obtain such information as the Secretary may describe in such order concerning -
 - (A) any transaction in which such financial institution is involved for the payment, receipt, or transfer of United States coins or currency (or such other monetary instruments as the Secretary may describe in such order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe; and
 - (B) any other person participating in such transaction;
 - (2) to maintain a record of such information for such period of time as the Secretary may require; and
 - (3) to file a report with respect to any transaction described in paragraph (1)(A) in the manner and to the extent specified in the order.
- (b) Authority To Order Depository Institutions To Obtain Reports From Customers. -
 - (1) In general. - The Secretary of the Treasury may, by regulation or order, require any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act) -

- (A) to request any financial institution (other than a depository institution) which engages in any reportable transaction with the depository institution to provide the depository institution with a copy of any report filed by the financial institution under this subtitle with respect to any prior transaction (between such financial institution and any other person) which involved any portion of the coins or currency (or monetary instruments) which are involved in the reportable transaction with the depository institution; and (B) if no copy of any report described in subparagraph (A) is received by the depository institution in connection with any reportable transaction to which such subparagraph applies, to submit (in addition to any report required under this subtitle with respect to the reportable transaction) a written notice to the Secretary that the financial institution failed to provide any copy of such report.
- (2) Reportable transaction defined. - For purposes of this subsection, the term "reportable transaction" means any transaction involving coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe.
- (c) Nondisclosure of Orders. - No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of, or terms of, the order to any person except as prescribed by the Secretary.
- (d) Maximum Effective Period for Order. - No order issued under subsection (a) shall be effective for more than 60 days unless renewed pursuant to the requirements of subsection (a).

Sec. 5328. Whistleblower protections

- (a) Prohibition Against Discrimination. - No financial institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary of the Treasury, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this subchapter or section 1956, 1957, or 1960 of title 18, or any regulation under any such provision, by the financial institution or any director, officer, or employee of the financial institution.
- (b) Enforcement. - Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

- (c) Remedies. - If the district court determines that a violation has occurred, the court may order the financial institution which committed the violation to -
 - (1) reinstate the employee to the employee's former position;
 - (2) pay compensatory damages; or
 - (3) take other appropriate actions to remedy any past discrimination.
- (d) Limitation. - The protections of this section shall not apply to any employee who -
 - (1) deliberately causes or participates in the alleged violation of law or regulation; or
 - (2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.
- (e) Coordination With Other Provisions of Law. - This section shall not apply with respect to any financial institution which is subject to section 33 of the Federal Deposit Insurance Act, section 213 of the Federal Credit Union Act, or section 21A(q) of the Home Owners' Loan Act ^[1] (as added by section 251(c) of the Federal Deposit Insurance Corporation Improvement Act of 1991).

Footnotes

[1] See References in Text note below.

Sec. 5329. Staff commentaries

The Secretary shall -

- (1) publish all written rulings interpreting this subchapter; and
- (2) annually issue a staff commentary on the regulations issued under this subchapter.

Sec. 5330. Registration of money transmitting businesses

- (a) Registration With Secretary of the Treasury Required. -
 - (1) In general. - Any person who owns or controls a money transmitting business shall register the business (whether or not the business is licensed as a money transmitting business in any State) with the Secretary of the Treasury not later than the end of the 180-day period beginning on the later of -
 - (A) the date of enactment of the Money Laundering Suppression Act of 1994; or
 - (B) the date on which the business is established.
 - (2) Form and manner of registration. - Subject to the requirements of subsection (b), the Secretary of the Treasury shall prescribe, by regulation, the form and manner for registering a money transmitting business pursuant to paragraph (1).

- (3) Businesses remain subject to state law. - This section shall not be construed as superseding any requirement of State law relating to money transmitting businesses operating in such State.
- (4) False and incomplete information. - The filing of false or materially incomplete information in connection with the registration of a money transmitting business shall be considered as a failure to comply with the requirements of this subchapter.
- (b) Contents of Registration. - The registration of a money transmitting business under subsection (a) shall include the following information:
 - (1) The name and location of the business.
 - (2) The name and address of each person who -
 - (A) owns or controls the business;
 - (B) is a director or officer of the business; or
 - (C) otherwise participates in the conduct of the affairs of the business.
 - (3) The name and address of any depository institution at which the business maintains a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act).
 - (4) An estimate of the volume of business in the coming year (which shall be reported annually to the Secretary).
 - (5) Such other information as the Secretary of the Treasury may require.
- (c) Agents of Money Transmitting Businesses. -
 - (1) Maintenance of lists of agents of money transmitting businesses. - Pursuant to regulations which the Secretary of the Treasury shall prescribe, each money transmitting business shall -
 - (A) maintain a list containing the names and addresses of all persons authorized to act as an agent for such business in connection with activities described in subsection (d)(1)(A) and such other information about such agents as the Secretary may require; and
 - (B) make the list and other information available on request to any appropriate law enforcement agency.
 - (2) Treatment of agent as money transmitting business. - The Secretary of the Treasury shall prescribe regulations establishing, on the basis of such criteria as the Secretary determines to be appropriate, a threshold point for treating an agent of a money transmitting business as a money transmitting business for purposes of this section.
- (d) Definitions. - For purposes of this section, the following definitions shall apply:
 - (1) Money transmitting business. - The term "money transmitting business" means any business other than the United States Postal Service which -

- (A) provides check cashing, currency exchange, or money transmitting or remittance services, or issues or redeems money orders, travelers' checks, and other similar instruments;
 - (B) is required to file reports under section 5313; and
 - (C) is not a depository institution (as defined in section 5313(g)).
- (2) Money transmitting service. - The term "money transmitting service" includes accepting currency or funds denominated in the currency of any country and transmitting the currency or funds, or the value of the currency or funds, by any means through a financial agency or institution, a Federal reserve bank or other facility of the Board of Governors of the Federal Reserve System, or an electronic funds transfer network.
- (e) Civil Penalty for Failure To Comply With Registration Requirements. -
 - (1) In general. - Any person who fails to comply with any requirement of this section or any regulation prescribed under this section shall be liable to the United States for a civil penalty of \$5,000 for each such violation.
 - (2) Continuing violation. - Each day a violation described in paragraph (1) continues shall constitute a separate violation for purposes of such paragraph.
 - (3) Assessments. - Any penalty imposed under this subsection shall be assessed and collected by the Secretary of the Treasury in the manner provided in section 5321 and any such assessment shall be subject to the provisions of such section.

SUBCHAPTER III - MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

Sec. 5340. Definitions

For purposes of this subchapter, the following definitions shall apply:

- (1) Department of the treasury law enforcement organizations. - The term "Department of the Treasury law enforcement organizations" has the meaning given to such term in section 9703(p)(1).
- (2) Money laundering and related financial crime. - The term "money laundering and related financial crime" -
 - (A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or
 - (B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.

- (3) Secretary. - The term "Secretary" means the Secretary of the Treasury.
- (4) Attorney general. - The term "Attorney General" means the Attorney General of the United States.

PART 1 - NATIONAL MONEY LAUNDERING AND RELATED FINANCIAL CRIMES STRATEGY

Sec. 5341. National money laundering and related financial crimes strategy

- (a) Development and Transmittal to Congress. -
 - (1) Development. - The President, acting through the Secretary and in consultation with the Attorney General, shall develop a national strategy for combating money laundering and related financial crimes.
 - (2) Transmittal to congress. - By February 1 of 1999, 2000, 2001, 2002, and 2003, the President shall submit a national strategy developed in accordance with paragraph (1) to the Congress.
 - (3) Separate presentation of classified material. - Any part of the strategy that involves information which is properly classified under criteria established by Executive Order shall be submitted to the Congress separately in classified form.
- (b) Development of Strategy. - The national strategy for combating money laundering and related financial crimes shall address any area the President, acting through the Secretary and in consultation with the Attorney General, considers appropriate, including the following:
 - (1) Goals, objectives, and priorities. - Comprehensive, research-based goals, objectives, and priorities for reducing money laundering and related financial crime in the United States.
 - (2) Prevention. - Coordination of regulatory and other efforts to prevent the exploitation of financial systems in the United States for money laundering and related financial crimes, including a requirement that the Secretary shall -
 - (A) regularly review enforcement efforts under this subchapter and other provisions of law and, when appropriate, modify existing regulations or prescribe new regulations for purposes of preventing such criminal activity; and
 - (B) coordinate prevention efforts and other enforcement action with the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, the Federal Trade Commission, other Federal banking agencies, the National Credit Union Administration Board, and such other Federal agencies as the Secretary, in consultation with the Attorney General, determines to be appropriate.

- (3) Detection and prosecution initiatives. - A description of operational initiatives to improve detection and prosecution of money laundering and related financial crimes and the seizure and forfeiture of proceeds and instrumentalities derived from such crimes.
- (4) Enhancement of the role of the private financial sector in prevention. - The enhancement of partnerships between the private financial sector and law enforcement agencies with regard to the prevention and detection of money laundering and related financial crimes, including providing incentives to strengthen internal controls and to adopt on an industrywide basis more effective policies.
- (5) Enhancement of intergovernmental cooperation. - The enhancement of -
 - (A) cooperative efforts between the Federal Government and State and local officials, including State and local prosecutors and other law enforcement officials; and
 - (B) cooperative efforts among the several States and between State and local officials, including State and local prosecutors and other law enforcement officials, for financial crimes control which could be utilized or should be encouraged.
- (6) Project and budget priorities. - A 3-year projection for program and budget priorities and achievable projects for reductions in financial crimes.
- (7) Assessment of funding. - A complete assessment of how the proposed budget is intended to implement the strategy and whether the funding levels contained in the proposed budget are sufficient to implement the strategy.
- (8) Designated areas. - A description of geographical areas designated as "high-risk money laundering and related financial crime areas" in accordance with, but not limited to, section 5342.
- (9) Persons consulted. - Persons or officers consulted by the Secretary pursuant to subsection (d).
- (10) Data regarding trends in money laundering and related financial crimes. - The need for additional information necessary for the purpose of developing and analyzing data in order to ascertain financial crime trends.
- (11) Improved communications systems. - A plan for enhancing the compatibility of automated information and facilitating access of the Federal Government and State and local governments to timely, accurate, and complete information.
- (c) Effectiveness Report. - At the time each national strategy for combating financial crimes is transmitted by the President to the Congress (other than the first transmission of any such strategy) pursuant to subsection (a), the Secretary

shall submit a report containing an evaluation of the effectiveness of policies to combat money laundering and related financial crimes.

- (d) Consultations. - In addition to the consultations required under this section with the Attorney General, in developing the national strategy for combating money laundering and related financial crimes, the Secretary shall consult with -
 - (1) the Board of Governors of the Federal Reserve System and other Federal banking agencies and the National Credit Union Administration Board;
 - (2) State and local officials, including State and local prosecutors;
 - (3) the Securities and Exchange Commission;
 - (4) the Commodities and Futures Trading Commission;
 - (5) the Director of the Office of National Drug Control Policy, with respect to money laundering and related financial crimes involving the proceeds of drug trafficking;
 - (6) the Chief of the United States Postal Inspection Service;
 - (7) to the extent appropriate, State and local officials responsible for financial institution and financial market regulation;
 - (8) any other State or local government authority, to the extent appropriate;
 - (9) any other Federal Government authority or instrumentality, to the extent appropriate; and
 - (10) representatives of the private financial services sector, to the extent appropriate.

Sec. 5342. High-risk money laundering and related financial crime areas

- (a) Findings and Purpose. -
 - (1) Findings. - The Congress finds the following:
 - (A) Money laundering and related financial crimes frequently appear to be concentrated in particular geographic areas, financial systems, industry sectors, or financial institutions.
 - (B) While the Secretary has the responsibility to act with regard to Federal offenses which are being committed in a particular locality or are directed at a single institution, because modern financial systems and institutions are interconnected to a degree which was not possible until recently, money laundering and other related financial crimes are likely to have local, State, national, and international effects wherever they are committed.
 - (2) Purpose and objective. - It is the purpose of this section to provide a mechanism for designating any area where money laundering or a related financial crime appears to be occurring at a higher than average rate such that -
 - (A) a comprehensive approach to the problem of such crime in such area can be developed, in cooperation with State and local

law enforcement agencies, which utilizes the authority of the Secretary to prevent such activity; or

- (B) such area can be targeted for law enforcement action.
- (b) Element of National Strategy. - The designation of certain areas as areas in which money laundering and related financial crimes are extensive or present a substantial risk shall be an element of the national strategy developed pursuant to section 5341(b).
- (c) Designation of Areas. -
 - (1) Designation by secretary. - The Secretary, after taking into consideration the factors specified in subsection (d), shall designate any geographical area, industry, sector, or institution in the United States in which money laundering and related financial crimes are extensive or present a substantial risk as a "high-risk money laundering and related financial crimes area".
 - (2) Case-by-case determination in consultation with the attorney general. - In addition to the factors specified in subsection (d), any designation of any area under paragraph (1) shall be made on the basis of a determination by the Secretary, in consultation with the Attorney General, that the particular area, industry, sector, or institution is being victimized by, or is particularly vulnerable to, money laundering and related financial crimes.
 - (3) Specific initiatives. - Any head of a department, bureau, or law enforcement agency, including any State or local prosecutor, involved in the detection, prevention, and suppression of money laundering and related financial crimes and any State or local official or prosecutor may submit -
 - (A) a written request for the designation of any area as a high-risk money laundering and related financial crimes area; or
 - (B) a written request for funding under section 5351 for a specific prevention or enforcement initiative, or to determine the extent of financial criminal activity, in an area.
- (d) Factors. - In considering the designation of any area as a high-risk money laundering and related financial crimes area, the Secretary shall, to the extent appropriate and in consultation with the Attorney General, take into account the following factors:
 - (1) The population of the area.
 - (2) The number of bank and nonbank financial institution transactions which originate in such area or involve institutions located in such area.
 - (3) The number of stock or commodities transactions which originate in such area or involve institutions located in such area.
 - (4) Whether the area is a key transportation hub with any international ports or airports or an extensive highway system.

- (5) Whether the area is an international center for banking or commerce.
- (6) The extent to which financial crimes and financial crime-related activities in such area are having a harmful impact in other areas of the country.
- (7) The number or nature of requests for information or analytical assistance which -
 - (A) are made to the analytical component of the Department of the Treasury; and
 - (B) originate from law enforcement or regulatory authorities located in such area or involve institutions or businesses located in such area or residents of such area.
- (8) The volume or nature of suspicious activity reports originating in the area.
- (9) The volume or nature of currency transaction reports or reports of cross-border movements of currency or monetary instruments originating in, or transported through, the area.
- (10) Whether, and how often, the area has been the subject of a geographical targeting order.
- (11) Observed changes in trends and patterns of money laundering activity.
- (12) Unusual patterns, anomalies, growth, or other changes in the volume or nature of core economic statistics or indicators.
- (13) Statistics or indicators of unusual or unexplained volumes of cash transactions.
- (14) Unusual patterns, anomalies, or changes in the volume or nature of transactions conducted through financial institutions operating within or outside the United States.
- (15) The extent to which State and local governments and State and local law enforcement agencies have committed resources to respond to the financial crime problem in the area and the degree to which the commitment of such resources reflects a determination by such government and agencies to address the problem aggressively.
- (16) The extent to which a significant increase in the allocation of Federal resources to combat financial crimes in such area is necessary to provide an adequate State and local response to financial crimes and financial crime-related activities in such area.

PART 2 - FINANCIAL CRIME-FREE COMMUNITIES SUPPORT PROGRAM

Sec. 5351. Establishment of financial crime-free communities support program

- (a) Establishment. - The Secretary of the Treasury, in consultation with the Attorney General, shall establish a program to support local law enforcement

efforts in the development and implementation of a program for the detection, prevention, and suppression of money laundering and related financial crimes.

- (b) Program. - In carrying out the program, the Secretary of the Treasury, in consultation with the Attorney General, shall -
 - (1) make and track grants to grant recipients;
 - (2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Secretary determines to be effective in detecting, preventing, and suppressing money laundering and related financial crimes; and
 - (3) provide for the general administration of the program.
- (c) Administration. - The Secretary shall appoint an administrator to carry out the program.
- (d) Contracting. - The Secretary may employ any necessary staff and may enter into contracts or agreements with Federal and State law enforcement agencies to delegate authority for the execution of grants and for such other activities necessary to carry out this chapter.

Sec. 5352. Program authorization

- (a) Grant Eligibility. - To be eligible to receive an initial grant or a renewal grant under this part, a State or local law enforcement agency or prosecutor shall meet each of the following criteria:
 - (1) Application. - The State or local law enforcement agency or prosecutor shall submit an application to the Secretary in accordance with section 5353(a)(2).
 - (2) Accountability. - The State or local law enforcement agency or prosecutor shall -
 - (A) establish a system to measure and report outcomes -
 - (i) consistent with common indicators and evaluation protocols established by the Secretary, in consultation with the Attorney General; and
 - (ii) approved by the Secretary;
 - (B) conduct biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and
 - (C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the applicant receives information, has experience in gathering data related to money laundering and related financial crimes.
- (b) Grant Amounts. -
 - (1) Grants. -
 - (A) In general. - Subject to subparagraph (D), for a fiscal year, the Secretary of the Treasury, in consultation with the Attorney General, may grant to an eligible applicant under this section for that fiscal year, an amount determined by the

Secretary of the Treasury, in consultation with the Attorney General, to be appropriate.

- (B) Suspension of grants. - If such grant recipient fails to continue to meet the criteria specified in subsection (a), the Secretary may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.
 - (C) Renewal grants. - Subject to subparagraph (D), the Secretary may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded.
 - (D) Limitation. - The amount of a grant award under this paragraph may not exceed \$750,000 for a fiscal year.
 - (2) Grant awards. -
 - (A) In general. - Except as provided in subparagraph (B), the Secretary may, with respect to a community, make a grant to one eligible applicant that represents that community.
 - (B) Exception. - The Secretary may make a grant to more than one eligible applicant that represent ^[1] a community if -
 - (i) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and
 - (ii) each of the coalitions has independently met the requirements set forth in subsection (a).
 - (c) Condition Relating to Proceeds of Asset Forfeitures. -
 - (1) In general. - No grant may be made or renewed under this part to any State or local law enforcement agency or prosecutor unless the agency or prosecutor agrees to donate to the Secretary of the Treasury for the program established under this part any amount received by such agency or prosecutor (after the grant is made) pursuant to any criminal or civil forfeiture under chapter 46 of title 18, United States Code, or any similar provision of State law.
 - (2) Scope of application. - Paragraph (1) shall not apply to any amount received by a State or local law enforcement agency or prosecutor pursuant to any criminal or civil forfeiture referred to in such paragraph in excess of the aggregate amount of grants received by such agency or prosecutor under this part.
 - (d) Rolling Grant Application Periods. - In establishing the program under this part, the Secretary shall take such action as may be necessary to ensure, to the extent practicable, that -
 - (1) applications for grants under this part may be filed at any time during a fiscal year; and
 - (2) some portion of the funds appropriated under this part for any such fiscal year will remain available for grant applications filed later in the fiscal year.
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Footnotes

[1] So in original. Probably should be "represents".

Sec. 5353. Information collection and dissemination with respect to grant recipients

- (a) Applicant and Grantee Information. -
 - (1) Application process. - The Secretary shall issue requests for proposal, as necessary, regarding, with respect to the grants awarded under section 5352, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Secretary.
 - (2) Reporting. - The Secretary shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this part.
- (b) Activities of Secretary. - The Secretary may -
 - (1) evaluate the utility of specific initiatives relating to the purposes of the program;
 - (2) conduct an evaluation of the program; and
 - (3) disseminate information described in this subsection to -
 - (A) eligible State local law enforcement agencies or prosecutors; and
 - (B) the general public.

Sec. 5354. Grants for fighting money laundering and related financial crimes

- (a) In General. - After the end of the 1-year period beginning on the date the first national strategy for combating money laundering and related financial crimes is submitted to the Congress in accordance with section 5341, and subject to subsection (b), the Secretary may review, select, and award grants for State or local law enforcement agencies and prosecutors to provide funding necessary to investigate and prosecute money laundering and related financial crimes in high-risk money laundering and related financial crime areas.
- (b) Special Preference. - Special preference shall be given to applications submitted to the Secretary which demonstrate collaborative efforts of two or more State and local law enforcement agencies or prosecutors who have a history of Federal, State, and local cooperative law enforcement and prosecutorial efforts in responding to such criminal activity.

Sec. 5355. Authorization of appropriations

There are authorized to be appropriated the following amounts for the following fiscal years to carry out the purposes of this subchapter: -----
----- ^LFor fiscal year: ^LThe amount authorized is: -----
----- 1999 \$5,000,000. 2000 \$7,500,000. 2001 \$10,000,000. 2002

\$12,500,000. 2003 \$15,000,000.
